

AMENDED IN ASSEMBLY APRIL 24, 2003
AMENDED IN ASSEMBLY MARCH 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 746

Introduced by Assembly Member Matthews

February 19, 2003

An act to add Section 490.7 to the Business and Professions Code, relating to the healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 746, as amended, Matthews. Fraud: healing arts: revocation of professional licenses.

Existing law establishes the Department of Consumer Affairs, which is comprised of various boards, including, but not limited to, the Dental Board of California, the Medical Board of California, ~~the State Board of Optometry,~~ and the California State Board of Pharmacy, ~~and the Board of Psychology,~~ among others, which each issue of which issues licenses and regulates the particular profession under its jurisdiction. Existing law, by initiative statute, creates the Osteopathic Board of California and the State Board of Chiropractic Examiners with similar licensing and regulatory duties with respect to those professions.

Existing law authorizes a board to suspend or revoke a license if the licensee has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

Existing law provides for the Medi-Cal program, pursuant to which health care benefits are provided to public assistance recipients and

certain other low-income persons, including dental benefits under the Denti-Cal element of the Medi-Cal program. Under existing law, the Director of Health Services is required to suspend the participation in the Medi-Cal program by a provider of services for conviction of any felony or any misdemeanor involving fraud.

This bill would require ~~a board~~ *the above boards* within the department, the Osteopathic Medical Board of California, and the State Board of Chiropractic Examiners to revoke a license if the licensee has more than one conviction for any felony or misdemeanor involving *Medi-Cal* fraud committed by the licensee in ~~his or her capacity as a provider of services under~~ *conjunction with* the Medi-Cal program or the Denti-Cal element of the Medi-Cal program.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 490.7 is added to the Business and
2 Professions Code, to read:

3 490.7. (a) A board shall revoke a license, pursuant to Section
4 490, if the licensee is licensed pursuant to ~~Division 2 (commencing~~
5 ~~with Section 500)~~ *Chapter 4 (commencing with Section 1600),*
6 *Chapter 5 (commencing with Section 2000), or Chapter 9*
7 *(commencing with Section 4000) of Division 2, or pursuant to the*
8 *Chiropractic Act or the Osteopathic Act*, and has more than one
9 conviction of any felony or misdemeanor involving *Medi-Cal*
10 fraud committed by the licensee ~~in his or her capacity as a provider~~
11 ~~of services under~~ *in conjunction with* the Medi-Cal program,
12 including the Denti-Cal element of the Medi-Cal program,
13 pursuant to Chapter 7 (commencing with Section 14000), or
14 Chapter 8 (commencing with Section 14200), of Part 3 of Division
15 9 of the Welfare and Institutions Code.

16 (b) "Board," as used in this section, includes ~~each board in~~
17 ~~Division 2 (commencing with Section 500) and also includes the~~
18 *the Dental Board of California, the Medical Board of California,*
19 *the California State Board of Pharmacy, the Osteopathic Medical*
20 *Board of California, and the State Board of Chiropractic*
21 *Examiners.*

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